

OFFICIAL

RECEIVED  
CENTRAL FAX CENTER

MAY 19 2004

Docket N . 006340/00006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Nagahara **EXAMINER:** Hsieh  
**SERIAL NO.:** 10/685,133 **ART UNIT:** 2837  
**FILED:** October 14, 2003 **CONF. NO.:** 4486  
**FOR:** Wear Protection for Musical Wind Instruments

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

07/06/2004 TDAWKINS 00000007 190733

10685133

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

01 FC:2814

55.00 DA

Your Petitioner, Kanichi Nagahara hereby certifies that pursuant to his review of the pertinent evidentiary documents involved herein, and to the best of the Petitioner's knowledge and belief, the entire right, title and interest in the above-identified application, as well as all patents referred to herein, is in the Petitioner seeking to take the present action. Neither this application, nor the parent patent, has been assigned. Petitioner is thus the sole owner of the above-identified patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,653,539, of which Petitioner is also the sole owner.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,653,539 are commonly owned. This agreement runs with any

Terminal Disclaimer  
U.S.S.N. 10/685,133  
Page No. 2

patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of U.S. Patent No. 6,653,539 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,653,539 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

#### DECLARATION

The undersigned hereby declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Kanichi Nagahara

May 17, 2004  
Date

Document No. 99649